

Senate Study Bill 1035

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CO=CHAIRPERSON KREIMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the establishment of multicounty jails, and
2 making an appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1675XC 81
5 jm/cf/24

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1 1 DIVISION I
1 2 MULTICOUNTY JAIL
1 3 Section 1. NEW SECTION. 356B.1 MULTICOUNTY JAILS ==
1 4 ESTABLISHMENT.
1 5 The department of corrections and the multicounty jail
1 6 board created in section 356B.2 shall establish and administer
1 7 a multicounty jail program. The program shall encourage
1 8 counties to establish, construct, renovate, or repair
1 9 facilities for use as a multicounty jail. A multicounty jail
1 10 means a facility established, operated, and maintained as a
1 11 jail pursuant to an agreement between two or more counties
1 12 pursuant to chapter 28E. A county that enters into a chapter
1 13 28E agreement pursuant to section 356B.3 to establish,
1 14 operate, and maintain a multicounty jail is deemed to have met
1 15 the requirement to furnish a place for the confinement of
1 16 prisoners pursuant to section 331.381, subsection 17,
1 17 paragraph "a", and section 903.4. A multicounty jail shall
1 18 comply with the provisions of chapter 356 and shall be
1 19 considered a jail, except as provided in this chapter.
1 20 Sec. 2. NEW SECTION. 356B.2 MULTICOUNTY JAIL BOARD.
1 21 1. A multicounty jail board is created within the
1 22 department of corrections. The board shall have five members
1 23 appointed as follows:
1 24 a. One member appointed by the board of corrections.
1 25 b. One member appointed by the governor from a list of
1 26 county supervisors recommended by the Iowa state association
1 27 of counties.
1 28 c. One member appointed by the governor from persons
1 29 recommended by the Iowa state sheriffs and deputies
1 30 association.
1 31 d. Two members of the general public appointed by the
1 32 governor subject to confirmation by the senate.
1 33 2. The board members shall serve staggered three-year
1 34 terms beginning and ending as provided in section 69.19. The
1 35 governor shall appoint initial members to serve for less than
2 1 three years to ensure that members serve staggered terms. A
2 2 vacancy in membership shall be filled in the same manner as
2 3 the original appointment. Each member of the board shall be
2 4 reimbursed for actual and necessary expenses incurred in the
2 5 discharge of the member's official duties.
2 6 3. The duties of the board shall consist of advising the
2 7 department of corrections regarding administrative rules
2 8 necessary for implementation and administration of the
2 9 multicounty jail program. The board shall also serve as the
2 10 policymaking body responsible for implementing the multicounty
2 11 jail program.
2 12 Sec. 3. NEW SECTION. 356B.3 MULTICOUNTY JAIL COMMISSION
2 13 == COMMISSION AGREEMENT PURSUANT TO CHAPTER 28E.
2 14 1. Two or more counties may establish a multicounty jail
2 15 commission to enter into an agreement pursuant to chapter 28E
2 16 to establish, operate, and maintain a multicounty jail in

2 17 which the participating counties and sheriffs of the
2 18 participating counties delegate the authority to operate a
2 19 county jail to the commission. The commission agreement shall
2 20 include but is not limited to the following:
2 21 a. The number of members each county shall be allocated
2 22 for membership on the commission.
2 23 b. A plan for establishing, constructing, renovating, or
2 24 repairing a facility for use as a multicounty jail.
2 25 c. A plan for operating the multicounty jail and for the
2 26 allocation of costs between each county.
2 27 d. The conditions under which a county may join or
2 28 withdraw from the agreement and the procedures for joining or
2 29 withdrawing from the agreement.

2 30 e. The term and effective date.
2 31 2. The commission agreement must be approved by the board
2 32 of supervisors and the county sheriff of each county that is a
2 33 party to the agreement.

2 34 3. Upon approval of the commission agreement, the board of
2 35 supervisors of each county that is a party to the agreement
3 1 shall designate the multicounty jail as a place for
3 2 confinement of prisoners pursuant to section 331.381.

3 3 4. Upon approval of the commission agreement, the sheriff
3 4 of each county that is a party to the agreement shall delegate
3 5 the sheriff's authority and responsibility to provide board
3 6 and care for inmates in the sheriff's custody to the
3 7 commission.

3 8 5. A certified copy of the commission agreement shall be
3 9 recorded pursuant to chapter 28E, and a copy of the agreement
3 10 shall be provided to the department of corrections.

3 11 Sec. 4. NEW SECTION. 356B.4 MULTICOUNTY JAIL FUND.

3 12 1. A multicounty jail fund is created in the state
3 13 treasury. The fund shall be administered by the department of
3 14 corrections and the multicounty jail board. The moneys in the
3 15 fund shall be used to provide grants and loans to multicounty
3 16 jail commissions for establishing, constructing, renovating,
3 17 or repairing facilities to be operated and maintained as
3 18 multicounty jails, and to defray expenses incurred by the
3 19 department of corrections in administering the multicounty
3 20 jail program.

3 21 2. The fund shall consist of moneys appropriated by the
3 22 general assembly for deposit in the fund, and other moneys
3 23 available to and obtained or accepted by the department of
3 24 corrections for placement in the fund. Moneys in the fund are
3 25 appropriated to the department of corrections to be
3 26 distributed as grants and loans as provided in this chapter.

3 27 3. Payments of interest, repayments of moneys loaned
3 28 pursuant to this chapter, and recaptures of loans shall be
3 29 deposited in the fund.

3 30 4. Moneys in the fund are not subject to section 8.33.
3 31 Notwithstanding section 12C.7, interest or earnings on moneys
3 32 in the fund shall be credited to the fund.

3 33 5. Moneys in the fund are subject to an annual audit by
3 34 the auditor of state. The fund is subject to warrants written
3 35 by the director of revenue and finance, drawn upon the written
4 1 requisition of the department of corrections.

4 2 Sec. 5. NEW SECTION. 356B.5 APPLICATION FOR GRANT OR
4 3 LOAN.

4 4 1. A multicounty jail commission may apply to the
4 5 multicounty jail board for a grant or loan for a proposed
4 6 multicounty jail. The department of corrections may provide
4 7 technical assistance to assist an applicant in developing a
4 8 proposal.

4 9 2. An application shall include but is not limited to the
4 10 following:

4 11 a. A copy of the commission agreement.
4 12 b. The confinement needs addressed by the agreement.
4 13 c. A proposed budget for planning and developing the
4 14 multicounty jail.
4 15 d. A proposed operating budget for the first four years of
4 16 operating the jail.

4 17 e. The amount of the grant or loan requested by the
4 18 multicounty jail.

4 19 f. A copy of any agreement entered into by the multicounty
4 20 jail commission or by a county that is a party to the
4 21 commission agreement with another jurisdiction to provide for
4 22 the confinement of inmates, including inmates detained or
4 23 committed by authority of the courts of the United States.

4 24 3. The application may be required to be on a form
4 25 prescribed by the multicounty jail board.

4 26 4. The multicounty jail board shall adopt rules pursuant
4 27 to chapter 17A establishing criteria for awarding a grant or

4 28 loan to a multicounty jail commission. The criteria
4 29 established pursuant to rules adopted by the board shall
4 30 include but not be limited to the following:

4 31 a. A need for additional or replacement beds in all
4 32 counties participating in the commission agreement.

4 33 b. A willingness to confine state inmates.

4 34 c. The cost of the proposal, which shall not exceed
4 35 fifteen million dollars.

5 1 d. The term of the loan shall be repaid in a manner
5 2 approved by the multicounty jail board; however, the term of
5 3 repayment shall not exceed twenty-five years.

5 4 The reasons for acceptance or denial of an application for
5 5 a grant or loan shall be specifically stated in the minutes of
5 6 the multicounty jail board meeting at which the application is
5 7 accepted or denied.

5 8 Sec. 6. NEW SECTION. 356B.6 REMITTANCE IF REPEALED.

5 9 Upon the repeal of sections 356B.2, 356B.4, and 356B.5,
5 10 pursuant to section 356B.7, the department of corrections
5 11 shall remit repayments of moneys loaned, payments of interest,
5 12 and recaptures of loans pursuant to this chapter or rules
5 13 adopted pursuant to this chapter to the treasurer of state for
5 14 deposit in the rebuild Iowa infrastructure fund.

5 15 Sec. 7. NEW SECTION. 356B.7 FUTURE REPEAL.

5 16 Sections 356B.2, 356B.4, and 356B.5 are repealed June 30,
5 17 2012. However, any commission agreement, grant, or loan in
5 18 existence on June 30, 2012, shall continue to be valid and
5 19 each party to such agreement, grant, or loan is obligated to
5 20 perform as required under the agreement, grant, or loan.

5 21 DIVISION II
5 22 CODE CHANGES

5 23 Sec. 8. Section 331.381, subsection 17, paragraph a, Code
5 24 2005, is amended to read as follows:

5 25 a. Furnish a place for the confinement of prisoners as
5 26 required in section 903.4, and in accordance with chapter 356
5 27 ~~or 356A, or 356B.~~

5 28 Sec. 9. Section 331.424, subsection 1, paragraph g, Code
5 29 2005, is amended to read as follows:

5 30 g. The maintenance and operation of the courts, including
5 31 but not limited to the salary and expenses of the clerk of the
5 32 district court and other employees of the clerk's office, and
5 33 bailiffs, court costs if the prosecution fails or if the costs
5 34 cannot be collected from the person liable, costs and expenses
5 35 of prosecution under section 189A.17, salaries and expenses of
6 1 juvenile court officers under chapter 602, court-ordered costs
6 2 in domestic abuse cases under section 236.5, the county's
6 3 expense for confinement of prisoners under ~~chapter~~ chapters
6 4 356A and 356B, temporary assistance to the county attorney,
6 5 county contributions to a retirement system for bailiffs,
6 6 reimbursement for judicial magistrates under section 602.6501,
6 7 claims filed under section 622.93, interpreters' fees under
6 8 section 622B.7, uniform citation and complaint supplies under
6 9 section 805.6, and costs of prosecution under section 815.13.

6 10 Sec. 10. Section 331.653, subsection 35, Code 2005, is
6 11 amended to read as follows:

6 12 35. Have charge of the county jails in the county and
6 13 custody of the prisoners committed to the jails as provided in
6 14 chapter 356, except if authority has been delegated to a
6 15 multicounty jail commission under chapter 356B.

6 16 Sec. 11. Section 356.1, subsection 1, unnumbered paragraph
6 17 1, Code 2005, is amended to read as follows:

6 18 The jails in the several counties in the state shall be in
6 19 the charge of the respective sheriffs, or multicounty jail
6 20 commissions as provided in chapter 356B, and used as prisons:

6 21 Sec. 12. Section 356.1, Code 2005, is amended by adding
6 22 the following new unnumbered paragraph:

6 23 NEW UNNUMBERED PARAGRAPH. The provisions of this chapter
6 24 extend to a multicounty jail established pursuant to chapter
6 25 356B. If a county is a party to a multicounty jail commission
6 26 agreement, references in this chapter to a county, a county
6 27 sheriff, or a county jail shall be deemed to be references to
6 28 the multicounty jail commission or the multicounty jail, as
6 29 applicable.

6 30 Sec. 13. Section 356.2, Code 2005, is amended to read as
6 31 follows:

6 32 356.2 DUTY.

6 33 The sheriff shall have charge and custody of the prisoners
6 34 in the jail or other prisons of the sheriff's county, except
6 35 if authority has been delegated to a multicounty jail

7 1 commission under chapter 356B, and shall receive those

7 2 lawfully committed, and keep them until discharged by law.

7 3 DIVISION III

7 4 APPROPRIATION

7 5 Sec. 14. APPROPRIATION. There is appropriated from the
7 6 rebuild Iowa infrastructure fund to the department of
7 7 corrections, for the fiscal year beginning July 1, 2005, and
7 8 ending June 30, 2006, the following amount, or so much thereof
7 9 as is necessary, to be used for the purpose designated:

7 10 For deposit in the multicounty jail fund to be used for
7 11 multicounty jail grants or loans as provided in chapter 356B:
7 12 \$ 15,000,000

7 13 EXPLANATION

7 14 This bill relates to the creation of multicounty jails and
7 15 makes an appropriation.

7 16 The bill provides that two or more counties may establish a
7 17 multicounty jail. The bill provides that if a county enters
7 18 into an agreement with one or more other counties to
7 19 establish, operate, and maintain a multicounty jail, the
7 20 county is not required to maintain a separate place for the
7 21 confinement of prisoners. However, the bill provides that a
7 22 multicounty jail shall comply with the provisions of Code
7 23 chapter 356, relating to jails and municipal holding
7 24 facilities, and shall be considered a jail, except as provided
7 25 in this bill.

7 26 The bill establishes a multicounty jail board in the
7 27 department of corrections which shall be responsible for
7 28 making policy and implementing a multicounty jail program and
7 29 advising the department of corrections on administrative
7 30 rules. The board shall consist of five members, with one
7 31 member being appointed by the board of corrections, one member
7 32 appointed by the governor shall be from a list of county
7 33 supervisors recommended by the Iowa state association of
7 34 counties, one member appointed by the governor from persons
7 35 recommended by the Iowa state sheriffs and deputies
8 1 association, and two members of the general public appointed
8 2 by the governor.

8 3 The bill provides that if two or more counties want to
8 4 establish a multicounty jail, the counties shall create a
8 5 multicounty jail commission, and enter into a commission
8 6 agreement pursuant to Code chapter 28E to share responsibility
8 7 for establishing, operating, and maintaining the multicounty
8 8 jail. The bill provides that the commission agreement shall
8 9 include the allocation of members on the commission and the
8 10 procedure for joining and withdrawing from the agreement, and
8 11 a plan of operation, including the allocation of operating
8 12 costs and the effective date of the agreement.

8 13 The bill requires that the commission agreement be approved
8 14 by the county board of supervisors and the county sheriff.
8 15 The bill provides that upon approval of the commission
8 16 agreement by the county sheriff, the sheriff shall delegate to
8 17 the commission the sheriff's authority to provide housing and
8 18 care for inmates in the custody of the sheriff.

8 19 The bill creates a multicounty jail fund in the state
8 20 treasury. The bill provides that the department of
8 21 corrections and the multicounty jail board shall administer
8 22 the fund. The bill appropriates \$15 million to the department
8 23 of corrections for deposit in the fund. The bill provides
8 24 that moneys in the fund shall be used to provide for grants
8 25 and loans to multicounty jail commissions for establishing a
8 26 multicounty jail.

8 27 The bill provides that a commission may apply to the
8 28 multicounty jail board for a grant or loan, and that the
8 29 department of corrections may provide technical assistance to
8 30 a commission in developing a proposal to present to the board.

8 31 The bill provides that a grant or loan shall be awarded to
8 32 a commission based upon the following factors: a need for
8 33 additional or replacement beds, a willingness to confine state
8 34 inmates, the cost of the proposal, and the manner in which any
8 35 moneys are to be repaid.

9 1 The bill's provisions relating to the multicounty jail
9 2 board, the multicounty jail fund, and the application process
9 3 to receive moneys from the fund are repealed on June 30, 2012.
9 4 However, any agreement, grant, or loan in existence on June
9 5 30, 2012, shall continue to be valid and each party to such
9 6 agreement, grant, or loan is obligated to perform as required
9 7 under the agreement, grant, or loan.

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